FARAD CONTINUATION SHEET.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR.

WRIT PETITION NO.5157/2004

Jeevanohandra s/o Laxmanrao Sapate

...Versus...

Ravindra s/o Bapusaheb Gujar and others

Office Notes, office Memoranda of Coram appearances, Court's orders or directions and Registrar's order.	Court's or Judge's order

CORAM: **B.P. DHARMADHIKARI, J.**
DATED : **12.12.2005.**

1. Heard Advocate Shri Jetha holding for Advocate Shri S.D. Khati for petitioner and Advocate Shri Joharapurkar for respondent no. 7.

2. Grievance made by Advocate Shri Jetha is that in R.C.S. No.1219/2000 he has sought relief of injunction against present respondent

no.7 from encroaching upon his property. He states that in a suit filed subsequently i.e. R.C.S. No.1679/2003 the parties are different and the relief sought is of declaration of existence of public road. According to him therefore, the suits could not have been consolidated together for trial.

3. Advocate Shri Joharapurkar on the other hand states that the property in relation to which present petitioner has sought injunction against respondent no.7 in first suit is a portion of land on which Nagpur Municipal Corporation has already constructed a public road and declaration of that road is sought in R.C.S. No.1679/2003.

4. In view of this position, it is apparent that the decision in R.C.S. No.1679/2003 is bound to have impact on adjudication in R.C.S. No.1219/2000 & vice versa.

5. Under the circumstances, while maintaining the order of consolidation impugned in this writ petition, proceedings in R.C.S. No.1679/2003 are also expedited. The cases are pending before the same Court and the Court is directed to dispose of both the civil suits as early as possible or in any case within a period of six months from the date of communication of this order to it.

6. In view of this, no other orders are required to be passed in this writ petition. Writ Petition is disposed of accordingly. C.C. expedited.

JUDGE

SSW